

REMARKS

In this Amendment, Applicant has amended Claims 31, 35, 46, 49 and 50, and added Claim 51 to overcome the rejections and further specify the embodiments of the present invention. It is respectfully submitted that no new matter has been introduced by the amended claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

INFORMATION DISCLOSURE STATEMENT:

In the Office Action of June 24, 2009, the Examiner refused to consider the references listed in the Information Disclosure Statement ("IDS") submitted on December 8, 2006 because it allegedly did not include a concise explanation of the relevance of the references.

It is respectfully submitted that the cited references should have been considered because the required concise explanation was provided in the International Search Report ("ISR") submitted together with the IDS on December 8, 2006. A copy of the ISR was enclosed with the IDS. More specifically, the reference AG (DE 20116344) was identified with "Y" in the ISR. According to MPEP 609.04(a)(III), the concise explanation "may be ... merely an 'X', 'Y', or 'A' indication on a search report." Further, as explained on first page of the IDS statement, the references AD-AF are discussed on pages 1 – 2 of the specification of the present application. These discussions satisfy the concise explanation requirement.

Therefore, Applicant respectfully requests the Examiner to consider the references listed on the IDS.

REJECTIONS UNDER 35 U.S.C. § 112 SECOND PARAGRAPH:

Claims 31 – 50 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is respectfully submitted that the rejections have been overcome by this amendment. More specifically, Claim 31 has been amended to clearly point out that a knife holder is claimed. Claim 35 has been amended to delete the features following “in particular.” Such features have been recited in new Claim 51. Claim 46 has been amended to delete “region(s).” Claims 49 and 50 have been amended to replace “The comminution device” with “A comminution device.”

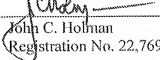
Therefore, the rejection under 35 U.S.C. § 112, second paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

JACOBSON HOLMAN PLLC

Date: June 1, 2010
(202) 638-6666
400 Seventh Street, N.W.
Washington, D.C. 20004
Atty. Dkt. No.: P71396US0

By 
John C. Holman
Registration No. 22,769